

to discuss the work she has done in Taiwan to promote the rights of the disabled.

It has been pointed out that Mrs. Chen's visit is the first visit by a First Lady of the Republic of China since Soong May-ling, better known here as Madame Chiang, traveled to Washington to ask for U.S. support in 1943. Since that turbulent period, America has maintained close ties with the Republic of China. The United States has had, and will continue to have, a unique partnership with Taiwan, and the people on Taiwan should remain assured that they have no better friend than the United States.

But this week's historic milestone also marks a good opportunity to reflect the vast distance the Republic of China has traveled between 1943 and now. Today when Taiwan talks with the United States, it does so as a vibrant democracy, a flourishing economy, a major trading partner and investor in the United States, and an important partner of the U.S. in our efforts to preserve peace and stability in East Asia.

There is no better reflection of today's Taiwan than this dedicated woman who embodies so many of the positive changes that have occurred on the island. This week's visit will give Americans an opportunity to deepen their understanding of Taiwan by meeting with one of its most accomplished and articulate representatives. It gives me great pleasure to welcome my friend, Madame Chen Wu, to Washington. I urge my colleagues to take this opportunity to get to know her, you will be glad you did.

Mr. MURKOWSKI. Mr. President, I welcome Taiwan's First Lady, Madame Chen Wu Sue-jen, to Washington, D.C. and remark on her considerable accomplishments. As many of my colleagues are aware, Madame Chen Wu was paralyzed from the waist down after being hit by an automobile in 1985, and is permanently confined to a wheelchair. Despite this tragic event, Madame Chen Wu has persevered.

In 1986, when her husband, now President Chen Shui-bian, was imprisoned on political charges, Madame Chen Wu ran on her husband's behalf for a seat in the national legislature—and won. Since then, she has played a crucial role as confidant and supporter to President Chen as he progressed from legislator to Mayor of Taipei and now in this current office.

The courage and optimism Madame Chen Wu demonstrates, in spite of her physical limitation, serves as a source of inspiration for all. Continuously upbeat in life, Madame Chen provides tremendous support to all who know her. Her strength of character has done much to transform the role of Taiwan's First Lady.

So, it is with great pleasure that I welcome Madame Chen Wu to the United States, to Washington, D.C., and am confident that her visit will only serve to strengthen U.S.-Taiwan relations.

Mr. SMITH of New Hampshire. Mr. President, I rise to speak about Taiwan's First Lady, Madame Chen Wu Sue-jen, who is visiting Washington this week for the first time in her capacity as First Lady. As a dear friend of Taiwan, and on behalf of my colleagues in the United States Senate, I would like to welcome Madame Chen Wu to Washington. I hope her visit is pleasant and productive.

Mr. President, Madame Chen Wu is truly a delightful and remarkable lady. I am in awe of her courage in the face of adversity. I am especially moved by her refusal to allow being a victim of an automobile accident, which rendered her disabled, from ending her outspoken advocacy for democracy in Taiwan.

Madame Chen Wu successfully ran for office herself, becoming a lawmaker. She later focused her efforts to make her husband one of Taiwan's eminent political figures. Her dreams and hopes for him became fulfilled when Chen Shui-bian was elected president of the Republic of China in 2000.

Since taking office, President Chen has exhibited great leadership and courage in the face of the People's Republic of China's constant menace. President Chen has also shown his compassion and friendship to the American people in the wake of the tragic attacks on the citizens of the United States of America. I am certain these fine traits have been honed in part through the example Madame Chen Wu has played in his life.

To this day, First Lady, Madame Chen Wu has not changed. She is still the same Chen Wu Sue-jen of years ago: an innocent schoolgirl from Matou, Tainan County, Taiwan. She has retained all the charm and grace of a young Taiwanese girl who later became a wife, mother, politician and First Lady.

The United States of America welcomes you, Madame Chen Wu.

U.S.A. PATRIOT ACT

Mr. HATCH. Mr. President, I ask unanimous consent that on behalf of the listed Senators, a joint statement of myself, Senator THURMOND, Senator KYL, Senator DEWINE, Senator SESSIONS, and Senator MCCONNELL regarding the Committee on the Judiciary, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S.A. PATRIOT ACT IN PRACTICE: SHEDDING LIGHT ON THE FISA PROCESS

Prior to the U.S.A. PATRIOT Act of 2001, the Foreign Intelligence Surveillance Act of 1978 authorized the government to gather intelligence on agents of foreign powers with less stringent requirements than those required for surveillance of domestic criminals. The courts interpreted FISA as requiring that gathering foreign intelligence be the "primary purpose" of the surveillance of the foreign agent. See *United States v. Duggan*, 743 F.2d 59, 77 (2nd Cir. 1984); *United States v. Truong Dinh Hung*, 629 F.2d 908 (4th Cir. 1980), cert. denied, 454 U.S. 1154 (1982).

This statutory regime worked well during the cold war for conducting surveillance on spies who were either foreign nationals employed by foreign government working under diplomatic cover at foreign embassies in the United States, or United States persons in this country who had been recruited to spy by foreign intelligence agencies. Both were clearly "agents of a foreign power," and gathering foreign intelligence on the activities of these targets was generally the "primary purpose," if not the only purpose, of the surveillance.

The statutory regime did not work as well with respect to terrorists, who did not work for a foreign government, who often financed their operations with criminal activities, such as drug dealing, and who began to target American interests. It was more difficult to determine if such terrorists were "agents of a foreign power" and it was difficult for the government to keep the appropriate types of investigators, intelligence or criminal, involved in the operation.

To determine what the "primary purpose" of a surveillance was, courts looked to what type of federal investigators were managing and directing the surveillance operation. If intelligence investigators managed and directed the surveillance, courts interpreted the primary purpose of the surveillance to be gathering foreign intelligence, thus requiring the government to comply with the less stringent FISA surveillance procedures. On the other hand, if criminal investigators managed and directed the surveillance, courts interpreted the primary purpose of the surveillance to be gathering criminal evidence, thus requiring the government to comply with the more stringent Title III wiretap procedures or to exclude the evidence from court. In short, the courts held that there could be only one primary purpose, and it was either gathering foreign intelligence or gathering criminal evidence. See, e.g., *Truong*, 629 F.2d at 912-13.

The attacks on September 11, 2001, appeared to be orchestrated by the Al Qaeda, an international terrorist organization, with no embassies or diplomats, and whose operatives were loosely associated small groups who often engaged in criminal activities. The intelligence agencies and criminal investigators were unable to analyze and disseminate information needed to detect and prevent the September 11th attacks partly because of restrictions on their ability to share information and coordinate tactical strategies in order to disrupt foreign terrorist activities. It was apparent that the existing court interpretation of the FISA requirement of "primary purpose" impeded the sharing and coordination of information between criminal and intelligence investigators on foreign terrorists.

Accordingly, Congress enacted the USA Patriot Act, in part, to replace the "primary purpose" requirement with a less stringent requirement, and to increase consultation and coordination efforts between intelligence and federal law enforcement officers to investigate and protect against foreign terrorist threats. See Sections 218 and 504. Three replacement standards were discussed for determining how large a purpose gathering foreign intelligence must be in order for a FISA warrant to issue: (1) a substantial purpose; (2) a significant purpose; and (3) a purpose. With multiple purposes in an investigation of an international terrorist, there could be only one "primary" purpose, but more than one "substantial," "significant," or "a" purposes. A "substantial" purpose of gathering foreign intelligence was viewed to be less than primary, but more than a de

minimis purpose. A "significant" purpose of gathering foreign intelligence was deemed to be less than "significant," but more than a de minimis purpose. And "a purpose" of gathering foreign intelligence was deemed to include a de minimis purpose.

Congress chose the word "significant" purpose to replace the existing FISA requirement of a "primary" purpose. By this we intended that the purpose to gather intelligence could be less than the main or dominant purpose, but nonetheless important and not de minimis. Because a significant purpose of gathering foreign intelligence was not the primary or dominant purpose, it was clear to us that in a FISA search or surveillance involving multiple purposes, gathering criminal evidence could be the primary purpose as long as gathering foreign intelligence was a significant purpose in the investigation. See generally, e.g., *United States v. Soto-Silva*, 129 F.3d 340, 347 (5th Cir. 1997) (holding that a defendant who maintained a house for the "primary purpose" of taking care of a family member also maintained the house for a "significant purpose" of distributing marijuana).

The Department of Justice confirmed the meaning of the change from primary purpose to significant purpose in a letter supporting the amendment sent on October 1, 2001, to the Chairmen and Ranking Members of the House and Senate Judiciary and Intelligence Committees. The Department stated that the amendment would recognize that "the courts should not deny [the President] the authority to conduct intelligence searches even when the national security purpose is secondary to criminal prosecution."

The understanding of increased cooperation between intelligence and law enforcement was confirmed by voices in the House and the Senate in the days and weeks immediately following the new FISA standard. "This legislation authorizes the sharing of information between criminal investigators and those engaged in foreign intelligence-gathering. It provides for enhanced wiretap and surveillance authority. It brings the basis building blocks of a criminal investigation, pen registers and trap and trace provisions, into the 21st century to deal with e-mails and Internet communications." 147 Cong. Rec. H7196 (daily ed. Oct. 23, 2001) (statement of Rep. SENSENBRENNER). "The core provisions of the legislation we passed in the Senate 2 weeks ago remain firmly in place. For instance, in the future, our law enforcement and intelligence communities will be able to share information and cooperate fully in protecting our Nation against terrorist attacks." 147 Cong. Rec. S11016 (daily ed. Oct. 25, 2001) (statement of Sen. HATCH).

In addition, a news publication confirmed the general understanding on Capitol Hill during the consideration of the U.S.A. PATRIOT Act. The Congressional Quarterly reported separately on October 8, 9, and 23, 2001: "Under the measure, for example, law enforcement could carry out a FISA operation even of the primary purpose was a criminal investigation." Congr. Q., House Action Reports, Fact Sheet No. 107-33, at p. 3 (Oct. 9, 2001); see Cong. Q., House Action Reports, Legislative Week, at p. 3 (Oct. 23, 2001); Cong. Q., House Action Reports, Legislative Week, at p. 13 (Oct. 8, 2001). FISA may not be used "even if the primary purpose is a criminal investigation." Cong. Q. Billwatch Brief, H.R. 3162 (Oct. 23, 2001).

It was our intent when we included the plain language of Section 218 of the U.S.A. PATRIOT Act and when we voted for the Act as a whole to change FISA to allow a foreign intelligence surveillance warrant to be obtained when "a significant" purpose of the surveillance was to gather foreign intelligence, even when the primary purpose of

the surveillance was the gathering of criminal evidence.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 22, 2002, in West Hollywood, CA. Two men brutally attacked a 55 year old gay man walking in West Hollywood, the second such attack in West Hollywood this month. The assailants beat the victim with a baseball bat and metal pipe while yelling anti-gay slurs. The attackers, who match the description of the men who attacked a 34 year old actor on September 1, fled when a cab driver stopped to help the victim. The victim received treatment at Cedars-Sinai Medical Center following the assault.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT P. MAGGARD AND CHARLES MILBURN

• Mr. BURNS. Mr. President, I rise today to congratulate two outstanding Montanans, whose enthusiasm and work ethic exhibit the true spirit of our Nation.

Each year the Experience Works program salutes our nations senior workforce. This non-profit organization selects an Outstanding Older Worker from each of the 50 States and Puerto Rico to pay tribute to the contributions that our older individuals are making in the workforce as well as in their communities.

This Year Montana will be saluting the 2001 Outstanding Worker, Dr. Robert P. Maggard and the 2002 Outstanding Worker, Mr. Charles E. Milburn.

Dr. Maggard, originally from Omaha, Nebraska, served in World War II, and then graduated from Creighton University where he studied dentistry. Dr. Maggard, moved to Yellowstone Valley, Montana and began his practice in the 1950's. He sold his practice in 1987 and began working with the Elite Denture center, which allows dentistry service at a reasonable price to thousands who would not otherwise be able to afford it.

Charles Milburn retired from his long career in retail in New York City, to

return home to his native state of Montana. After one year of retirement he began volunteering with the Computerized Books for the Blind. He quickly became the organizations most productive volunteer. He currently works at the Disability Services for Students and is now the president of Roxie M. Anderson Memorial fund which gives help to young teenage mothers.

These two men are truly worthy of the Outstanding Older Worker award. This award represents the dedication these men have exhibited throughout their lives, and both the state of Montana and I are proud of their hard work.●

IN MEMORY OF JAMIE CHRISTENSON AND ERIC HURST

• Mr. HARKIN. Mr. President, I rise today to offer my thoughts and prayers to the family of Jamie Christenson of Marshalltown, Iowa and Eric Hurst of Ventura, California. Bob and Debra Christenson suffered a terrible loss this summer when their young daughter, Jamie, died in a tragic swimming accident in Minnesota at the young age of 17. The Hurst family lost Eric, only 24, as he valiantly attempted to save Jamie's life.

Jamie Christenson was one of 53 campers from Trinity Lutheran Church in Marshalltown who were at Camp Vermillion, near Cook, Minnesota. While on a canoeing trip on the afternoon of July 30, Jamie and her friends took a break from carrying their canoes around the more treacherous falls and began cooling off in the waters near Upper Basswood Falls, in Minnesota's Boundary Waters Canoe Area Wilderness.

Beyond the falls, Jamie and a group of campers donned life preservers and entered the water. There, in what had appeared to be calm and shallow waters, Jamie was caught in a swift undercurrent and pulled below the river.

Several campers and boaters in the area rushed to her rescue, including Eric Hurst, who was working on the river as a canoe guide. Sadly, the river claimed both of their lives.

The State of Minnesota and Governor Jesse Ventura have each issued a posthumous certificate of commendation for heroism to the family of Eric Hurst. It is my hope that the Senate can act in some similar fashion, or, that there can be some other Federal recognition of Eric's efforts to save Jamie's life.

As the father of two daughters, I can think of no pain deeper than to lose a child. I offer my deepest condolences to Bob and Debra, their family, and to Jamie's many friends, as well as to the family and friends of Eric Hurst. In times of such pain, words fall far short of comfort we wish we could provide to those in mourning, but even words are we can offer.

So I offer the words of the Greek poet Aeschylus: "In our sleep, pain which